

**MINUTES OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**  
Thursday, November 16, 2006 – 9:00 a.m. – Room W135 House Building

**Members Present:**

Sen. Howard A. Stephenson, Senate Chair  
Sen. Ed Mayne  
Sen. Michael G. Waddoups  
Rep. Kory M. Holdaway  
Rep. Carol Spackman Moss  
Rep. Merlynn T. Newbold

**Members Excused:**

Rep. David Ure, House Chair  
Sen. Mike Dmitrich  
Sen. Mark B. Madsen  
Rep. James R. Gowans

**Staff Present:**

Mr. Arthur L. Hunsaker, Policy Analyst  
Ms. Susan Creager Allred, Associate General Counsel  
Ms. Tracey Fredman, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Stephenson called the meeting to order at 9:22 a.m.

**MOTION:** Sen. Mayne moved to approve the minutes of the October 25, 2006 meeting. The motion passed unanimously.

**2. Insurance Premiums Related to Workers' Compensation for Overtime: State Oversight**

Staff distributed a letter from the Utah Restaurant Association to the Utah Labor Commission dated October 23, 2006.

During the September 26, 2006 meeting, Ms. Melva Sine, President, Utah Restaurant Association, requested that the Insurance Department adopt National Council on Compensation Insurance (NCCI) standards which do not provide for insurance companies to charge increased premiums for overtime hours worked.

Mr. Brad Tibbits, Director, Life and Casualty Division, Department of Insurance, said the department plans to adopt the NCCI standards. He responded to questions from the Committee.

Ms. Joyce Sewell, Director, Industrial Accident Division, Labor Commission, responding to a question from the Committee, explained the process for determining the rate at which an injured worker is paid insurance benefits.

Mr. Tom Bingham, President, Utah Manufacturer's Association, spoke in opposition to the adoption of the NCCI standards.

**3. R612-2-3 Workers' Compensation Rules**

**A. Health Care Providers – Medical Records**

Ms. Sewell distributed and reviewed the form for a "Physician's Initial Report of Work Injury or Occupational Disease," and R612-1-3 "Official Forms." Ms. Sewell explained that in the past a copy of the report was given to the employer until a rule change stopped that practice. She said the Labor Commission has proposed to change the rule to the way it was, but the proposal had not been formalized as of the time of the committee meeting.

Ms. Sine spoke in favor of the proposed rule change.

**B. Health Care Providers – Filings**

Ms. Sewell said that giving notice of an injury to Workers' Compensation protects the right of the injured worker. She said that the Labor Commission is willing to look at the issue further.

Ms. Sine indicated that she was willing to work with the Labor Commission to resolve the issue.

Mr. Paul Rogers, representing the Workers' Compensation Fund, commented on the issue.

**4. R355-2 Complaint Procedure for Americans With Disabilities Act (ADA)**

Mr. Hunter Finch, Budget and Policy Analyst, Governor's Office of Planning and Budget, distributed and reviewed "Current Rule: Complaint Procedure for Americans With Disabilities Act," "Current Policy: Governor's Office ADA Complaint Resolution Policy," and "Draft Policy: Proposed Governor's Office ADA Complaint Resolution Policy."

The Committee discussed the constitutional issue of elected state officials exercising rulemaking authority, and requested staff to bring recommendations to the Committee on how to approach the issue.

**5. R652-122 County Cooperative Agreements with State for Fire Protection**

Sen. Stephenson introduced the issue.

Mr. Lamar Clemens, Cache County Planning Commission, requested amendments to the current rule which refers to requirements contained within a national fire code, "Urban Wildlife Interface Code."

Mr. Dick Buehler, Deputy Director, Division of Forestry, Fire, and State Lands, distributed and reviewed "R652-122 Rule Status (HB146)." He indicated that concerns have been resolved through meetings and discussions in different counties in the state, but that not all counties have been visited as of this meeting.

Mr. Dave Vickers, Division of Forestry, Fire, and State Lands, explained that the fire code must be followed, but modifications can be made based on needs in different areas of the state.

The Committee agreed to postpone any action until Rep. Ure and Rep. Buttars had an opportunity to offer input.

**6. Committee Business**

Future meetings were scheduled for Wednesday, December 13, 2006 at 9:00 a.m. and January 9 at 2:00 p.m..

**7. Adjourn**

Chair Stephenson adjourned the meeting at 11:05 a.m.